

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 15-40168

BROCK STERLING MURPHY,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER DISMISSING CASE**

On January 8, 2015, the Debtor filed a voluntary petition for relief under Chapter 7, commencing this case. But the Debtor is not eligible to be a debtor in this case, under 11 U.S.C. § 109(g)(2), which provides:

(g) Notwithstanding any other provision of this section, no individual or family farmer may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if—

...

(2) the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title.

11 U.S.C. § 109(g)(2).

Debtor was a debtor in a case pending within the preceding 180 days of filing this case: Case No. 13-47772, which was pending until December 22, 2014. In that case, on July 25, 2013, Creditor Thornberry Apartments filed a motion for relief from the automatic stay. (Docket # 43 in Case No. 13-47772, the “Stay-Relief Motion”). On September 4, 2013, the Court entered an order resolving the Stay-Relief Motion (Docket # 50 in Case No. 13-47772). On December 22, 2014, Debtor filed a motion to voluntarily dismiss the case, and the Court entered an Order for voluntary dismissal of the case (Docket ## 63 and 64 in Case No. 13-47772).

Thus, under § 109(g)(2), the Debtor is not eligible to be a debtor in the present case, or in

any bankruptcy case that is filed within 180 days of the December 22, 2014 dismissal of Case No. 13-47772.

Accordingly,

IT IS ORDERED that this bankruptcy case is dismissed.

**Signed on January 09, 2015**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**